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November 16, 2022

Via ECF

Hon. Lewis J. Liman, U.S.D.J.  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *689 Eatery Corp., etc. et ano. v. City of New York, et al.*,  
Docket No. 02 CV 4431(LJL) ("Action No. 1")

*59 Murray Enterprises, Inc. etc., et ano. v. City of New York, et al.*,  
Docket No. 02 CY 4432 (LJL) ("Action No. 2")

*Club at 60th Street, et al. v. City of New York*,  
Docket No. 02 CV 8333 (LJL) ("Action No.3")

*336 LLC, etc, et al. v. City of New York*,  
Docket No. 18 CY 3732 (LJL) ("Action No.4")

Dear Judge Liman:

I represent Plaintiffs in Action No. 1 and write to advise the Court that on Tuesday, November 8, 2022, I was elected to serve as a judge on the First District Court of Appeals in Ohio. As a result of my election, I will be closing my part-time solo law practice in advance of taking the bench on February 9, 2023. (I am currently a full-time tenured law professor and practice law on a part-time basis.) However, prior to that date, the Ohio Supreme Court requires all newly elected judges to attend a week-long training academy beginning on December 12, 2022, at which there will be mandatory sessions governing the ethical responsibilities of transitioning from practice to the bench. I have committed to all counsel in this case and, of course,

Hon. Lewis J. Liman, U.S.D.J.  
November 16, 2022  
Page Two

likewise commit to the Court, that I will remain in communication as I learn more about my judicial and ethical obligations and work to fulfill them.

In light of my election and the circumstances described above, I request, and all other counsel (including defendants' counsel) have consented to, an extension of the November 18, 2022 deadline to file supplemental factual stipulations in these cases, to December 9, 2022.

In particular, with regard to the supplemental factual stipulations, I am the attorney for the Plaintiffs' team who has worked most closely on these issues. We have identified another attorney on the Plaintiffs' side who will assist with this part of the case, and we are working to shift the work I have done to the other attorney. However, in light of the election, we need additional time to finalize this process. We have shared this information with the City's counsel, and they do not object to our proposed timeline of December 9, 2022 for filing supplemental factual stipulations.

In addition, at this point, I have identified potential substitute counsel for Plaintiffs in Action No. 1, although new counsel has not yet been retained to appear on Plaintiffs' behalf. I anticipate that transition occurring sometime in early December. Counsel for all Plaintiffs have met with counsel for Defendant City of New York to discuss the implications of this transition on the case, and we anticipate that we may need to seek additional extensions of the pending briefing schedule to allow for substitute counsel to effectively get up to speed on the matter. However, without the input of the new attorney, we are not yet in a position to say how much time he may need to review the case files and to be in a position to represent 689 Eatery Corp. and 725 Eatery Corp.'s interests in the summary judgment proceedings. As soon as substitute counsel has been retained, we will contact the City to discuss a suggested revised briefing schedule.

We appreciate your consideration of our extension request and I, personally, thank you in advance for your consideration and understanding of the unique challenges created by my election to serve as a member of the judiciary. As stated above, I will be as transparent and forthcoming as possible during this time of transition.

Hon. Lewis J. Liman, U.S.D.J.  
November 16, 2022  
Page Three

Respectfully,

A handwritten signature in dark ink, appearing to read "Jennifer M. Kinsley". The signature is fluid and cursive, with the first name "Jennifer" being more prominent than the last name "Kinsley".

Jennifer M. Kinsley, Esq.

cc: All Counsel (via ECF)